UNIVERSITY OF
TORONTO
FACULTY OF LAW

BORA LASKIN LAW LIBRARY
3 1761 06110038 4

MINORITY GROUPS
AND
INTERNATIONAL HUMAN RIGHTS LAW

INTENSIVE COURSE

Visiting Professor Gaetano Pentassuglia

Fall Term 2009

University of Toronto Faculty of Law

BORA LASKIN LAW LIBRARY

AUG 26 2009

FACULTY OF LAW
UNIVERSITY OF TORONTO

UNIVERSITY OF TORONTO
FACULTY OF LAW

MINORITY GROUPS
AND
INTERNATIONAL HUMAN RIGHTS LAW

INTENSIVE COURSE

Visiting Professor Gaetano Pentassuglia

Fall Term 2009

University of Toronto Faculty of Law

This material has been copied under licence from Access Copyright.

Resale or further copying of this material is strictly prohibited

Copyrights reserved to publishers and/or authors cited ©

MINORITY GROUPS AND INTERNATIONAL HUMAN RIGHTS LAW

Table of Contents

I. Introduction/Overview: History, Definitions, and Non-Discrimination

II. UN Minority Law

III. International Indigenous Law: Rights and Jurisprudence

IV. European Standards I: The European Convention on Human Rights

V. European Standards II: The Institutional Framework

VI. Minority and Indigenous Issues in Africa and Asia

VII. Monitoring, Adjudication and Conflict Prevention

I.

INTRODUCTION/OVERVIEW: HISTORY, DEFINITIONS, NON-DISCRIMINATION

Essential reading:

G. Pentassuglia, *Minorities in International Law: An Introductory Study*, Council of Europe Publishing (2002), Ch. I.
W. Kymlicka, Multicultural Odysseys: *Navigating the New International Politics of Diversity*, Oxford University Press (2007), Ch. II.

Suggestions for further reading:

P. Thornberry, *The Rights of Minorities in International Law*, Oxford University Press (1991), Part I.
G. Pentassuglia, 'Evolving Protection of Minority Groups: Global Challenges and the Role of International Jurisprudence', (2009) 11 *International Community Law Review*, 185.
P. Macklem, 'Minority Rights in International Law', University of Toronto, Legal Studies Research Series, No. 08-19, July 2008, 1.
B. Kingsbury, 'Reconciling Five Competing Conceptual Structures of Indigenous Peoples' Claims in International and Comparative Law' (2001) 34 *New York University Journal of International Law and Politics*, 189.

Questions for consideration:

- What is your general understanding of minority and indigenous rights under international law?

- How far back in history does minority protection go and to what extent, in your view, does the historical background affect present-day narratives?

- Can you identify one or more accounts of minority protection under international law? Is it a matter of cultural identity, security, justice, or a combination of them?

- What is the role of non-discrimination in relation to ethno-cultural minority groups? Does Article 26 protect ICCPR minority rights?